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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,331	10/29/2003	Luc deBoer	122462.0002.007	8099

7590 11/18/2005
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EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,331	Applicant(s) DEBOER, LUC	
	Examiner Thomas A. Beach	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 08/24/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 7, 8, 15, 16, 20, 21, 23, 24, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 2 and 18 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 9-14, 19, 22 and 25-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 2, 4, 8, 15, 18, 20, 23, 24, 31 are objected to because of the following informalities: on lines 4 of these claims, "the surface" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. Claims 2 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardes 5,720,356. Gardes shows a system for controlling the density of a drilling fluid in a wellbore in well drilling operations, having a first drill tube 12 having a top end and a bottom end connected to a drilling device, the top end of the first drill tube being located at the surface 26, the bottom end of the first drill tube being located in the wellbore (fig. 1), the first tube for delivering a drilling fluid 81 having a predetermined density from the surface to the wellbore, the first drill tube having a predetermined outer diameter; and a second drill tube 30 having a top end and a bottom end, the top end of the second drill tube being located at the surface and the bottom end of the second drill tube being located in the wellbore, the second drill tube having a predetermined inner diameter which is greater than the outer diameter of the first drill tube, the second drill tube being arranged such that the first tube is contained within the second drill tube to define an annular space between the outer diameter of the first tube and the inner diameter of the second drill tube, the second tube having at least one set of ports for establishing communication between the annular space within the second drill tube and the wellbore,

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the second drill tube for delivering a base 91 fluid having a predetermined density from the surface to the wellbore via the set of ports (adjacent curved bottom of arrow 91, fig 4b) to create a combination fluid 90, the base fluid having a density different than the predetermined density of the drilling fluid, the combination fluid having a predetermined density that is defined by a selected ratio of the drilling fluid and the base fluid, the combination fluid rising to the surface with a drilling rig 26 and riser 30 (carrier string is considered a riser) connected between the rig and the wellbore.

Allowable Subject Matter

3. Claims 3, 6, 9-14, 19, 22, and 25-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 4, 5, 7, 8, 15, 16, 20, 21, 23, 24 and 31-32 are allowed.

Response to Arguments

5. Applicant's arguments filed 08/25/05 have been fully considered but they are not persuasive. Applicant's arguments regarding claim 2 and 18 are noted; however, the amendment does not combine the objected to, originally filed claims 2 and 18, since key features such as offshore and riser delivering the combination fluid from the wellbore to the drilling rig at the surface have been deleted. Thus the rejection above stands.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

November 14, 2005

THOMAS A. BEACH
Patent Examiner
Group 3600